

In re) Fair Hearing No. 16,844
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Appeal of)

The petitioner appeals the decision by the Department of PATH denying her application for Supplemental Fuel Assistance. The issue is whether the petitioner's "fuel household" must include her roommate and whether her roommate's income must be counted in determining the petitioner's eligibility for the fuel program.

1. The petitioner lives with a roommate with whom she equally shares all household expenses. The petitioner's income is disability benefits of \$568.54 a month. Her roommate is employed and receives gross wages of \$2,322 a month.

2. The Department denied the petitioner's application for fuel assistance based on excess income. The Department allowed the petitioner's roommate a 20 percent earnings deduction of \$464.40 and the petitioner the maximum \$150 disability deduction for a net household income of \$2,276, which is well in excess of the program maximum for a two-person household of \$1,173.

3. The petitioner feels her roommate's income should not

be counted in determining her eligibility for fuel assistance because, despite the disparity in their incomes, their shares of the household expenses are divided equally.

ORDER

The Department's decision is affirmed.

REASONS

The regulations define a fuel household as "one or more persons who reside in the same living unit as a single economic unit who, in common, customarily purchase energy for home heating fuel. . ." WAM § 2901.1(4). The regulations further specify that unless specifically exempted all persons residing in the fuel household must be included in the application for fuel assistance benefits. WAM § 2901.2(c). None of the listed exemptions applies to the petitioner. The maximum income under the program for a two-person household, after all allowable deductions, is \$1,173 per month. See Procedures Manual § P-2905 B. As noted above, even with all the allowable deductions the petitioner's household's income (\$2,276) is far in excess of the program maximum.

Inasmuch as the Department's decision was in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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